

STARK STATEMENT INTRODUCING THE KEEPING FAMILIES TOGETHER ACT

Monday, 14 February 2005

"Mr. Speaker, I rise to join Congressman Ramstad and Kennedy in introducing the bipartisan, bicameral "Keeping Families Together Act." This bill would help parents obtain necessary mental health treatment for their severely emotionally disturbed children without being forced to relinquish them into state custody to get that care. Senators Susan Collins (R-ME) and Mark Pryor (D-AK) are introducing the companion legislation in the Senate."

STARK STATEMENT INTRODUCING THE KEEPING FAMILIES TOGETHER ACT

Tuesday, February 15th, 2005

Mr. Speaker,

I rise to join Congressman Ramstad and Kennedy in introducing the bipartisan, bicameral "Keeping Families Together Act." This bill would help parents obtain necessary mental health treatment for their severely emotionally disturbed children without being forced to relinquish them into state custody to get that care. Senators Susan Collins (R-ME) and Mark Pryor (D-AK) are introducing the companion legislation in the Senate.

No family should be required to relinquish legal custody of their mentally ill child to a state child welfare agency or the juvenile justice system as their only means of obtaining desperately needed mental health services. Yet as Maryland resident Diana Miller recounted to me last year, state officials gave her this exact ultimatum when she sought potentially life-saving mental health care for her daughter, Erica.

Tragically,

Diana and Erica Miller are not alone in their predicament. In April 2003, the GAO reported that parents in 19 states placed over 12,700 children in state child welfare or juvenile justice agencies in 2001 to obtain mental health services for them. We know that the nationwide number is even higher because 31 states did not respond to the survey.

According to GAO, these middle class parents find themselves trapped between not having the resources to pay for private mental health care and making too much money for their children to be eligible for Medicaid. Parents are therefore forced to choose between not treating their child's severe illness and transferring custody to the state, which has the resources to provide the necessary care. Families wind up torn apart at the expense of the taxpayers.

A Bazelon Center for Mental Health Law further elaborated on the situations that cause parents and guardians to give up their seriously emotionally disturbed children to state agencies. These situations include the following:

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The family has either exhausted their private health insurance benefits or their benefits do not cover required mental health services (e.g. Residential Treatment Program).

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The family lives in a state or jurisdiction in which Medicaid services do not adequately address mental health needs and agency placement provides access or priority status for entry into needed care.

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The family lives in a state or jurisdiction in which children are deprived of federally mandated mental health services through the Individuals with Disabilities Act (IDEA) as a result of an exceedingly restrictive definition of serious emotional illness. That is, these schools often label these children as solely "discipline problems."

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The family lives in a state or jurisdiction in which the local child welfare system erroneously interprets federal law (Title IV-E of the Foster Care and Adoption Assistance Program) as requiring relinquishment of custody even for temporary out-of-home placements.

As all of these reports highlight, families are acting out of desperation to get immediately needed mental health services for their children. The juvenile justice and child welfare systems have become the mental health providers of last resort for far too many families.

Both the child welfare system and juvenile justice systems are ill-equipped to meet these children's needs. Even worse, the psychological bond between parent and child is unnecessarily disrupted. Their children feel abandoned and their parents feel guilty over turning their parental rights and decision-making authority to a state agency.

The stigma is real to families themselves and to those around them. Good parents don't have their children taken away. But, in fact, the need to relinquish custody in these instances doesn't have anything to do with parenting skills. It has everything to do with our system being broken and continuing to allow these children with significant mental health needs to fall through the cracks.

We have known about this problem for many years. In fact, I first introduced legislation in 1995 attempting to address this issue. Since then I have been working with my colleagues to educate the public and other members of Congress about this issue and to find a bipartisan solution.

Our legislation, the "Keeping Families Together Act" is the result of this bipartisan and bicameral process. Our bill provides new funding to states that are willing to develop systems that assure these children get the mental health services they need without pulling apart their families.

It provides

\$55 million over 6 years in new family support grants to states that are willing to end the practice of child custody relinquishment and cover all these children's mental health services under Medicaid, CHIP or any other health program of their choosing. These monies can then be used to improve access to mental health and family support services that keep families together. They can also be used to create statewide care coordination programs and to deliver mental health care and family support services for these families.

Additionally, the bill establishes a federal interagency task force. The task force will monitor the family support grants and work with representatives of affected families to make recommendations to Congress to improve mental health services and to foster interagency cooperation. The task force is also required to provide biannual reports to Congress on its progress in improving the delivery of mental health services to seriously ill children.

The bill also provides states with the option of moving children out of hospital-based psychiatric care and into home and community based care options, which will allow them to remain with their families.

The "Keeping Families Together Act" is an important first step toward eliminating child custody relinquishment. I look forward to working with my colleagues to quickly enact this legislation so states can develop innovative new programs that address these children's mental health needs while keeping their families together. Once we've learned what has effectively worked at the state level to restructure these programs, we will need to return to this issue at the federal level and enact broad legislation to end the practice of forced child custody relinquishment nationwide.